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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	A	TTORNEY DOCKET NO.
	5/ 11/10	/99 ΔRISTIDOU	$\overline{}$	0000.4400

HM22/0405

BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH VA 22040-0747 EXAMINER
WALICKA, M

ART UNIT PAPER NUMBER

1652

DATE MAILED:

04/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-90C (Rev.11/00)

*	Application No.	Applicant(s)										
Office Action Summary	09/423,554	ARISTIDOU ET AL.										
Onice Action Summary	Examiner	Art Unit										
	Malgorzata A. Walicka	1652										
The MAILING DATE of this communication appe Period for Reply	ars on the cover sheet with the co	rrespondence addr ss										
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w. - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36 (a). In no event, however, may a reply be tire within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).										
1) Responsive to communication(s) filed on 10 N	lovember 1999 and 29 Decembe	<u>r 1999</u> .										
2a) This action is FINAL . 2b) Thi												
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.												
Disposition of Claims												
4) Claim(s) 1-38 is/are pending in the application.												
4a) Of the above claim(s) is/are withdraw	vn from consideration.											
5) Claim(s) is/are allowed.												
6) Claim(s) is/are rejected.	•											
7) Claim(s) is/are objected to.												
8) Claims 1-38 are subject to restriction and/or e	lection requirement.	¢										
Application Papers												
9) The specification is objected to by the Examine	r.											
10) The drawing(s) filed on is/are objected to	by the Examiner.											
11) The proposed drawing correction filed on	_ is: a)☐ approved b)☐ disapp	roved.										
12) The oath or declaration is objected to by the Ex	aminer.											
Priority under 35 U.S.C. § 119												
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	i-(d) or (f).										
a) ☐ All b) ☐ Some * c) ☐ None of:												
1. Certified copies of the priority documents	have been received.											
2. Certified copies of the priority documents	have been received in Application	on No										
 Copies of the certified copies of the priori application from the International Bur See the attached detailed Office action for a list of 	eau (PCT Rule 17.2(a)).											
14) Acknowledgement is made of a claim for domes	·											
	-110 p.101kg and 01 0.0.0. g 111	-(-/-										
Attachment(s)												
15) Notice of References Cited (PTO-892)	18) 🔲 Interview Summar	y (PTO-413) Paper No(s)										
16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s)		Patent Application (PTO-152)										

U.S. Patent and Trademark Office PTO-326 (Rev. 01-01)

Office Action Summary

Part of Paper No. 8

Application/Control Number: 09/423,554

Art Unit: 1652

The application is a 371 of PCT/FI99/00185 published as WO 94/18326. The preliminary amendments filed on November 10 and December 29, 1999 has been entered. Claims 1-38 are pending.

Election/Restriction

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

claims 1-7, 8-10, 17-20, 22, 25-26, 28, 29, 30, 33 and 38 drawn to Group I:

an organism and method of production of ethanol, classified in

class 435 subclass 161.3 and 254.2.

Group II: claims 1-7, 15-16, 17-20, 21, 25-26, 28, 29, 31 and 32 drawn to an

organism and method of production of xylitol, classified in class 435

subclass 155 and 254.2.

Group III: claims 1-7, 11, 12, 17-18, 23-24, 27-30, 34, 35 and 36 drawn to an

organism and method of production of lysine, classified in class 435

subclass 115 and 254.2.

claims 1-7, 13, 14, 17-20, 28-30 and 36-37, drawn to an organism Group IV:

and method of production of polyhydroxybutyrate, classified in class

435 subclass 155 and 254.2.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical features of Group I, II, III and IV are the recombinant microorganisms which produce ethanol, xylitol, lysine and polyhydroxybutyrate. Groups I-IV are drawn to four independent methods of making different chemical compounds. 37 CFR 1.475 does not provide for multiple products or methods within a single application and therefore unity of invention is lacking with regard to Groups I-IV. Thus, restriction is proper.

In accordance with 37 C.F.R. 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted. Common claims among Groups will be examined to the extent necessary for the complete examination of the elected subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malgorzata A. Walicka, Ph.D., whose telephone number

Page 3

Art Unit: 1652

is (703) 305-7270. The examiner can normally be reached Monday-Friday from 10:00 a.m. to 4:30 p.m.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, Ph.D. can be reached on (703) 308-3804. The fax number for this Group is (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionists whose telephone number is (703) 308-0196.

Malgorzata A. Walicka, Ph.D. Art Unit 1652 Patent Examiner

> NASHAAT T. NASHED PHD PRIMARY EXAMINER

#31-00

PAGE: 1

Thristine Washing

RAW SEQUENCE LISTING
PATENT APPLICATION US/09/423,554

DATE: 12/29/1999

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This Raw Listing contains the General Information Section and up to first 5 pages.



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           LONDESBOROUGH, John
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 3
           PENTTILA, Merja
           RICHARD, Peter
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           RUOHONEN, Laura
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           SODERLUND, Hans
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           TELEMAN, Anita
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           TOIVARI, Mervi
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     <130> FILE REFERENCE: 0933-148P
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     <151> EARLIER FILING DATE: 1999-03-11
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Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least ne n or Xaa.

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PAGE: 6

VERIFICATION SUMMARY VERIFICATION SUMMARY
PATENT APPLICATION US/09/423,554

DATE: 12/29/199
TIME: 17:16:25

DATE: 12/29/1999

Input Set: 1423554.RAW

Line ? Error/Warning

353 W "N" or "Xaa" used: Feature required gaygtnggna cnaayaa 365 W "N" or "Xaa" used: Feature required gtnccytgda trtcrtcrtt raa